

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1745

Introduced by Senator Kuehl
(Coauthor: Assembly Member Laird)

February 24, 2006

An act to ~~amend Section 12926 of the Government Code~~ *add Section 53.5 to the Civil Code*, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as amended, Kuehl. Employment and ~~housing~~ discrimination: ~~sex~~. *victims of violence*.

~~The California Fair Employment and Housing Act makes it unlawful to engage in specified discriminatory employment practices, including hiring, promotion, and termination on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age. The act also makes it unlawful to engage in specified discriminatory practices in housing accommodations on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, disability, or sexual orientation.~~

Existing law makes it a crime to engage in specified acts of domestic violence, sexual assault, and stalking.

This bill would provide that, ~~for purposes of the act, sex discrimination also includes discrimination~~ *it is against the public policy of the state to discriminate* against a person in employment

because he or she is a victim of domestic violence, sexual assault, or stalking, as defined.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares the*
2 *following:*

3 *(a) Domestic violence, sexual assault, and stalking affect many*
4 *persons without regard to age, race, national origin, sexual*
5 *orientation, or socioeconomic status. Twenty-one percent of*
6 *full-time employed persons surveyed identified themselves as*
7 *victims of domestic violence.*

8 *(b) Studies show that up to one-half of domestic violence*
9 *victims experience job loss. Forty percent reported on-the-job*
10 *harassment. Nearly 50 percent of the sexual assault survivors*
11 *lose their jobs or are forced to quit in the aftermath of the*
12 *assaults.*

13 *(c) Retaining employment is vital to independence and*
14 *recovery for victims of domestic violence, sexual assault, and*
15 *stalking.*

16 *(d) Law enforcement faces obstacles in successfully*
17 *investigating and prosecuting violent criminals when victims fear*
18 *adverse employment actions.*

19 *SEC. 2. Section 53.5 is added to the Civil Code, to read:*

20 *53.5. It is against the public policy of the state for any person*
21 *to discharge or harass any individual, or otherwise discriminate*
22 *against any individual in compensation, or in other terms,*
23 *conditions, or privileges of employment because the individual is*
24 *a victim of domestic violence, sexual assault, or stalking. For*
25 *purposes of this section, "domestic violence" means any of the*
26 *types of abuse set forth in Section 6211 of the Family Code.*
27 *"Sexual assault" means any of the acts that constitute the crimes*
28 *set forth in Section 261, 261.5, 262, 265, 266, 266a, 266b, 266c,*
29 *266g, 266j, 267, 269, 273.4, 285, 286, 288, 288a, 288.5, 289, or*
30 *311.4 of the Penal Code. "Stalking" means any of the acts that*
31 *constitute the crimes set forth in Section 646.9 of the Penal Code.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, June 19, 2006 (JR11)**

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